

KUMAR
Appl. No. 10/525,231
August 4, 2008

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REMARKS/ARGUMENTS

Reconsideration of this application is requested. Claims 142-148, 158 and 236-249 are in the case.

I. ELECTION/RESTRICTION

It is noted, with appreciation, that claims 142-148 and 158 have been examined on the merits. The non-elected claims have been canceled without prejudice to the possibility of pursuing the subject matter of those claims in a separate continuing case. New claims 236-249 have been presented which are within the scope of the main claims as amended and do not introduce new subject matter. Entry and favorable consideration of the claims presented herewith are respectfully requested.

II. ALLOWABLE SUBJECT MATTER

It is noted, with appreciation, that claim 148 remains allowable.

III. THE 35 U.S.C. §112, FIRST PARAGRAPH, REJECTION

Claims 142-146 and 158 stand rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. In response, and without conceding to any merit in this rejection, the claims have been further amended in the definitions of R₁, R₂, R₃, R₄ and R₅ in formula III and formula VI to bring the definitions more into line with the working examples. In addition, as noted above, a series of new dependent claims are presented to further define the nature of "halogen",

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"aryl" and "arylalkyl" in light of the exemplified compounds. Withdrawal of the written description rejection is now respectfully requested.

IV. THE 35 U.S.C. §112, SECOND PARAGRAPH, REJECTION

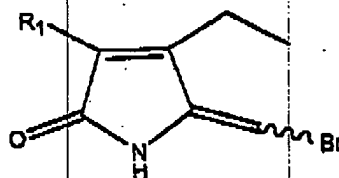
Claim 158 stands rejected under 35 U.S.C. §112, second paragraph, in view of the inadvertent omission of the definition of "Z". In response, claim 158 has been amended to recite that definition of Z as being selected from halogen, hydroxy, OC(O)alkyl and OC(O)alkylC(O)OH. In addition, claim 158 has been amended to omit hydrogen from the definition of Z. None of the compounds of formula VI which are exemplified have hydrogen in the "Z" position (pages 7 - 8 of the published specification). The definition of R⁵ in claim 158 was inadvertently amended in response to the previous Office Action to recite "selected from the group consisting of H, halogen and hydroxy". The definition of R⁵ in claim 158 has accordingly been amended based on the definition provided for R⁵ for compounds of formula III. New claim 249 is directed to the exemplified compounds of formula VI. No new matter is entered. Withdrawal of this rejection is respectfully requested.

V. THE ANTICIPATION REJECTION

Claims 146, 147 and 158 stand rejected under 35 U.S.C. §102(b) as allegedly anticipated by Mizutani, et al., 1998, J. Org. Chem., 63, 8769-8784. That rejection is respectfully traversed.

Mizutani discloses the following compound:

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13c: R₁ = propyl

In order to further distinguish the claimed invention from this disclosure, claims 146 and 147 have been amended to define "alkyl" in R₁ and R₂ as "C₄₋₆ alkyl". Claim 148 has also been amended so as to be independent and additionally recites two compounds from Table I which are compounds of formula III not previously included in this group of compounds. With respect to claim 158, as noted above, hydrogen has been deleted from the definition of Z. Withdrawal of the anticipation rejection is respectfully requested.

V. THE SPECIFICATION

The specification has been amended to correct certain of the compounds exemplified in Table I which show obvious carbon valency errors. No new matter is entered.

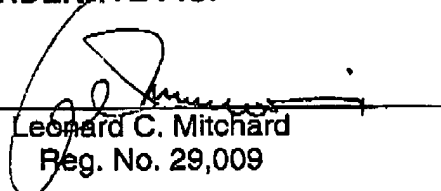
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Favorable action is awaited.

Respectfully submitted,

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